

REMARKS

This Response is submitted in reply to the Office Action dated April 23, 2009. Claims 1 to 8, 11 to 22, 24 to 44 and 46 to 50 are pending. Claims 9, 10, 23, and 45 were previously canceled. Please charge deposit account number 02-1818 to cover the cost of any fees due in connection with this Response.

The Office Action rejected Claims 1 and 25 under U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,705,944 to Luciano ("Luciano"). Applicant respectfully disagrees with these rejections for at least the reasons set forth below.

Luciano discloses a gaming device which includes a spinning reel game mounted below an upper wheel game. The wheel game of Luciano includes a wheel having a plurality of concentric rings, each ring including a plurality of sections or symbols (Fig. 2). A novel drive gear drives each of the concentric rings independently (Abstract; Col. 3, line 66 to Col. 4, line 3). The concentric rings are secured in place, driven, and controlled by radial drive mechanisms (Col. 6, lines 28 to 30). Each of the radial drive mechanisms includes a drive gear and two free spinning, resilient radial gears (Col. 6, lines 31 to 54), among other elements, and functions to drive the rotation of a respective one of the concentric rings. When the wheel is activated, the rings individually rotate and stop rotating in sequence (i.e., one at a time). For example, the outer ring spins first, the middle ring spins when the outer ring stops spinning, and the inner ring spins last (col. 5, lines 44 to 49). A payline associated with the wheel indicates one of the symbols from each of the rings when the rings have stopped spinning. Since each ring of the wheel spins independently from each of the other rings, any of the symbols on one ring can be indicated on the payline with any of the symbols from another ring.

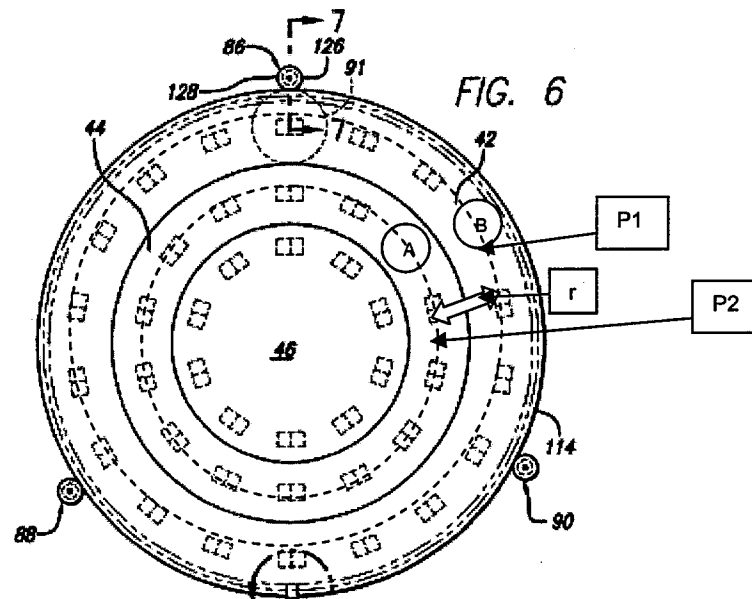
Page 2 of the Office Action states that, after revisiting the Luciano reference, which was previously relied upon in the Office Action of April 9, 2008, the Examiner believes that Luciano meets the element of being an award wheel in which each of the sections is in a set position relative to each other section of the award distributor. The Office Action reasons that each object on Luciano's wheel is in a set angular position relative to each other object within the same ring and is a set radial distance from the objects of the other rings. In other words, each of the plurality of objects situated within

each ring is stationary relative to the other objects within that ring, and each ring is a fixed radial distance from the other rings (Office Action, Page 2).

Applicant respectfully submits that, unlike the gaming device of independent Claim 1, Luciano does not anticipate a gaming device including a plurality of instructions which, when executed by at least one processor, cause the at least one processor to operate with the at least one display device to display award distributor including an award wheel which includes a plurality of sections displayed in a predetermined arrangement on the award distributor, the predetermined arrangement including each of the sections being in a set position relative to each other section of the award distributor.

To illustrate this, an example based on a modified version of Luciano's Fig. 6 is provided below.

Modified Fig. 6 (Part I)

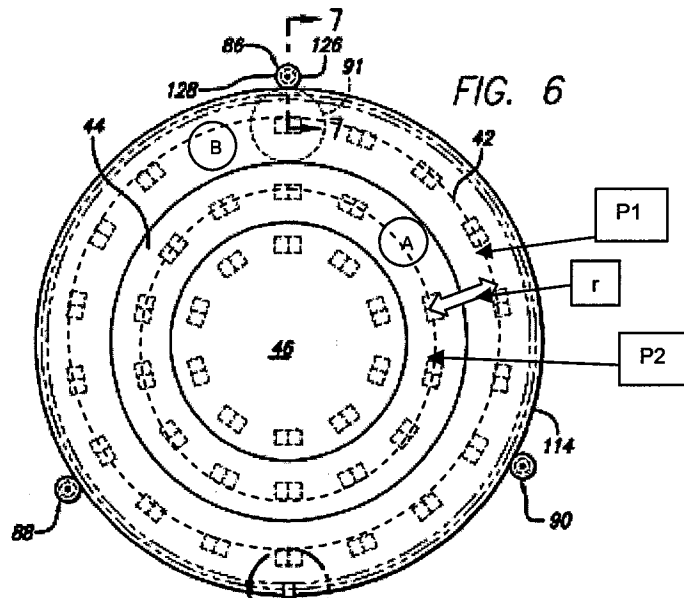


As illustrated in Modified Fig. 6 (Part I), the Luciano wheel includes three concentric rings 42, 44, and 46 configured to move independently of each other and stop rotating in sequence. For ease of illustration, this example discusses only the outer reel 42 and the middle reel 44.

Each of the concentric rings includes a number of symbols. The symbols of the outer ring 42 are arranged such that each symbol is situated along path P1. The symbols of the middle ring 44 are arranged such that each symbol is situated along path P2. The distance, r , between path P1 and path P2 represents the radial distance between the outer ring 42 and the middle ring 44.

As illustrated above, symbol "B" of the outer reel 42 is in a first position on the award wheel relative to symbol "A" of the middle reel 44. Symbol A is radial distance, r , away from the path P1. Symbol B is radial distance, r , away from path P2.

Modified Fig. 6 (Part II)



Modified Fig. 6 (Part II) illustrates the Luciano wheel after an activation of the wheel has occurred. As indicated above, symbol A is still radial distance, r , from path P1. Symbol B is still radial distance, r , from path P2. However, symbol A is now in a different position on the award wheel relative to symbol B. Thus, as the above example demonstrates, symbol A and symbol B are not in a set position relative to each other on the Luciano wheel.

Accordingly, regardless of whether each symbol on Luciano's wheel is in a set position relative to each other symbol within the same ring and is a set radial distance from the other rings, Luciano does not anticipate that each symbol of the award wheel is in a set position relative to each other symbol of the award wheel.

On the other hand, the gaming device of independent Claim 1 includes, amongst other elements, a plurality of instructions which, when executed by at least one processor, cause the at least one processor to operate with the at least one display device to display an award distributor associated with a game, the award distributor including an award wheel which includes a plurality of sections displayed in a predetermined arrangement on the award distributor, the predetermined arrangement including each of the sections being in a set position relative to each other section of the award distributor.

For at least the reasons set forth above, Luciano does not anticipate independent Claim 1 and the claims depending therefrom.

For reasons similar to those discussed above with respect to independent Claim 1, Luciano does not anticipate independent Claim 25 and the claims depending therefrom.

The Office Action rejected Claims 2 to 8, 11 to 24, and 26 to 48 under U.S.C. §103(a) as being unpatentable over Luciano in view of U.S. Patent No. 6,336,863 to Baerlocher (Office Action, Page 5). On pages 5 to 9 of the Office Action, the Office Action identifies a number of deficiencies in the Luciano reference. However, the Office Action provides no reasoning or explanation regarding what elements of Baerlocher are being relied upon to cure these deficiencies in Luciano.

Nonetheless, Applicant respectfully submits that Luciano and Baerlocher, either alone or in combination, do not anticipate or render obvious a gaming device/method of operating a gaming device which includes: (a) displaying an award distributor associated with a game, the award distributor including an award wheel which includes: (i) a plurality of sections displayed in a predetermined arrangement on the award distributor, the predetermined arrangement including each of the sections being in a set position relative to each other section of the award distributor, each of the sections

defined by one of a plurality of first coordinates and one of a plurality of second coordinates, wherein each first coordinate is associated with a group of the sections including a plurality of the sections, and each second coordinate is associated with a group of sections including a plurality of sections, and (ii) a plurality of symbols, each of the symbols associated with one of a plurality of awards, wherein each of the plurality of sections of said award distributor is associated with one of the symbols; (b) causing a display of said plurality of symbols and the awards associated with each of said symbols on the award distributor to a player upon initiation of a play of the game; (c) causing a section indicator associated with the award distributor to indicate one of the plurality of sections of the award distributor by: (i) determining one of the first coordinates associated with one of the groups of the sections, (ii) independently determining one of the second coordinates of one of the sections in the group of sections, and (iii) causing the section indicator to indicate the section defined by the determined first and second coordinates; and (d) providing to the player the award associated with the symbol of the indicated section.

For at least these reasons, Claims 2 to 8, 11 to 24, and 26 to 48 are each patentably distinguished over Luciano and Baerlocher and in condition for allowance.

With respect to the obviousness rejections of Claims 49 to 50, on Page 9 of the Office Action, the Office Action states:

Changing the probability of indicating the sections during game play, is a design choice consideration because varying the probability of casino gaming outcomes during play is extremely well known in the art, and applicant has not disclosed that varying the probability of indicating a section solves a stated problem, has a particular advantage, or serves a particular purpose. One of ordinary skill in the art would have found the addition of varying the probably of indicating a section to yield merely predictable results, absent of any unexpected consequences.

Applicant respectfully disagrees with the Office Action's conclusions regarding design choice. Nonetheless, Applicant respectfully submits that the patentability of independent Claim 25 renders the rejections of Claims 49 to 50 moot.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,
K&L GATES LLP

BY  _____

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Dated: July 22, 2009